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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/060,343

Applicant(s)

LEFTWICH, JAMES

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-12, 14-19, 24-26, 30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12, 14-19, 24-26, 30 and 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/4/2003 with respect to claims 1-4, 8-12, 14-19, 24-26, 30 and 32-39 have been considered but are not persuasive.

Applicant argued that White does not teach or disclose a method for managing television program listings selecting a first subset of the plurality of program/event entries using a first filter comprising a predetermined list of program/event entries that are compared against the program listings to select the first subset. White does not even disclose any predetermined list of program/event entries. These arguments are not persuasive.

White shows a plurality of sub-categories such as CHILDREN, COMEDY, MUSIC ...etc in figure 13. Each sub-category comprises a predetermined list of television programs relating to a particular sub-category that are sorted from the program listings in the databases to obtain that particular sub-category. For instance, sub-category CHILDREN comprises a predetermined list of television programs relating to children such as "All About Dumbo", "U.S. Spelling Bee" ...etc as shown in figure 14. This list enables the user to easily selecting a particular sub-category for viewing a list of programs to watch or to watch in the future. Each sub-category is a "filter" comprising a predetermined list of television programs that are compared against the program listings to select a particular subset.

With respect to the amended claims 1, 9, 17, and similar to new claims 32 and 36, White teaches selecting CHILDREN sub-category using a "filter" comprising a predetermined list of programs, e.g., 1405 in figure 14, that are compared against the program listings to obtain the sub-category Children 1453. It is noted that using the "filter" comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-

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category or "subset". As shown in figure 14, an electronic program guide includes the sub-category Children or subset of program/event entries 1453.

Therefore, White teaches or disclose a method for managing television program listings selecting a first subset of the plurality of program/event entries using a first filter comprising a predetermined list of program/event entries that are compared against the program listings to select the first subset.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. In this case, the claimed feature of comparison a predetermined list of program/event entries, or a list of identifications of program/event entries against the program listings to select the first subset, or plurality of program/event entries, respectively, is not shown in drawings. Therefore, the subject matter of the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4, 8-12, 14-19, 24-26, 30 and 32-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. In this case, the claimed feature comparison a predetermined list of program/event entries, or a list of identifications of program/event entries against the program listings to select the first subset, or plurality of program/event entries, respectively, is not specifically described in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 8-12, 14-19, 24-26, 30 and 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 5,596,373).

Regarding claim 1, White teaches a method for managing television program listings comprising: storing available television program listings in one or more databases (RAM 51 stores EPG data including guide data, channel data and program data – see figures 3 and 6; col. 5, lines 6-10 and 30-32), the program listings comprising a plurality of program/event entries (see figure 6; col. 5, lines 6-10 and 30-32); selecting a first subset of the plurality of program/event entries using a first filter (using one of the sub-categories such as CHILDREN, COMEDY, DRAMA ...etc, for instance, using sub-category Children 1453 of the plurality of television programs - see figure 13) comprising a predetermined list of program/event entries (for instance, sub-category comprises a list of television programs 1405 –see figure 14) that are compared against the program listings to select the first subset (for example, using a “filter”

comprising a predetermined list of programs, e.g., 1405 in figure 14, that are compared against the program listings to obtain the sub-category Children 1453 when a user selects CHILDREN sub-category. It is noted that using the "filter" comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-category or "subset" – see figures 13-14); generating an electronic program guide including the subset of program/events entries (EPG as shown in figure 14 including the subset of television programs of CHILDREN sub-category); and displaying the generated electronic program guide on a display (see figure 14).

Regarding claim 2, White discloses selecting a second subset of the plurality of programs/event entries using a second filter (for instance, using EDUCATION sub-category or "filter" to select a subset of the plurality of television programs about education); generating the electronic program guide using the first filter and the second filter, the electronic program guide including all of the program/event entries included in the first subset and all of the program/event entries included in the second subset (as shown in figure 13, if the user selects "a first filter" or sub-category "CHILDREN" with a check mark, and select "a second filter" or sub-category "EDUCATION" with a check mark to generate the EPG including all of the television programs included in these selected sub-categories).

Regarding claim 3, White teaches selecting a second subset "EDUCATION" using a "second filter", wherein at least some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or at least some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Regarding claim 4, White teaches prior to selecting the subset of the plurality of program/event entries, creating the first filter utilizing a list of program/event entries in the

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program listing database, for instance, generating the sub-category utilizing a list of television programs in the program listing database (before selecting one of the sub-categories as shown in figure 13, the system creates each filter, e.g., first filter CHILDREN using a list of programs in the program listings database to sort programs of CHILDREN sub-category only - see figure 13; col. 7, lines 19-24).

Regarding claim 8, White teaches a consumer device stores the television program listings (EPG data is stored in the data buffer of IRD) and the first filter is input into the consumer device from a source external to the consumer device (the category/sub-category information is provided by the service as part of the programming information) (see col. 5, lines 30-32; col. 7, lines 31-33).

Regarding claim 9, White teaches a system for managing television program listings comprising: a memory for storing a database of available television program listings comprising a plurality of program/event entries (EPG data includes guide data, channel data and program data which are stored in the data buffer RAM of IRD – see col. 5, lines 29-31), the memory further configured for storing a first filter (a first sub-category, for instance CHILDREN sub-category) and a second filter (a second sub-category, for instance EDUCATION sub-category) (see figure 13; col. 7, lines 19-33), the first filter comprising a first predetermined list of program/event entries (1405 – see figure 14), and the second filter comprising a second predetermined list of program/event entries (the predetermined list of television programs 1405 of sub-category EDUCATION may be displayed same format as the list of television programs of sub-category CHILDREN); and a processor (29) which selects a first subset of programs according to the first filter and a second subset of programs according to the second filter, respectively, by comparing the first predetermined list of program/event entries and the second predetermined list of program/event entries against the available television program listings (it

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is noted that using the "filter" comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-category), to generate an electronic program guide displaying television program listings included in said first subset and said second subset (the CPU 29 is the central control mechanism and executes code stored in the ROM 37 to perform certain functions of the system – see col. 4, lines 28-30. The user can select all or some of the sub-categories – see col. 7, lines 25-26. For instance, the selected "first subset" or sub-category "CHILDREN" with a check mark, and the selected "second subset" or sub-category "EDUCATION" with a check mark are shown in figure 13. EPG includes all of the television programs included in these selected sub-categories as shown in figure 14) wherein at least some of the programs in the first subset are different from the programs of the second subset, and at least some of the programs in the second subset are different from the programs of the first subset (for instance, some of the programs in first subset or sub-category CHILDREN are different from the programs of the second subset or sub-category EDUCATION, and at least some of the programs in the second subset or sub-category EDUCATION are different from the programs of the first subset or sub-category CHILDREN).

Regarding claim 10, White discloses utilizing said first filter and a second filter for selecting a second of the plurality of predetermined subsets of television programs to generate the electronic program guide displaying television program listings including programs included in said first subset and programs included in said second subset. White clearly discloses that the user can select all or some of the subcategories (see col. 7, lines 25-27). For instance, as shown in figure 13, the user selects a "first subset" or sub-category "CHILDREN" with a check mark, then select a "second subset" or sub-category "EDUCATION" with a check mark...and

so on, then EPG displays the program listings including all the selected subsets or selected sub-categories.

Regarding claim 11, White teaches utilizing the first filter and the second filter, wherein at least some of program/event entries of the first subset are the same as at least some of the program/event entries of the second subset to generate the electronic program guide displaying television program listings including program/event entries included in both the first subset and the second subset. For instance, some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Regarding claim 12, White teaches creating the first filter utilizing a list of program/event entries in the program listing database, for instance, generating the sub-category utilizing a list of television programs in the program listing database, prior to selecting the first subset of programs according to the first filter (before selecting one of the sub-categories as shown in figure 13, the system creates each filter, e.g., first filter CHILDREN using a list of programs in the program listings database to sort programs of CHILDREN sub-category only - see figure 13; col. 7, lines 19-24).

Claim 14 requires the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Claim 15 follows from the discussion with respect to claim 14, the programs identifies under sub-category "children" are a "proper subset" of the total programs in the database since

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one can filter the database using "specials" category and get a listing of the "proper" sub-category therein.

Regarding claim 16, White teaches a consumer device stores the television program listings (EPG data is stored in the data buffer of IRD) and the first filter is input into the consumer device from a source external to the consumer device (the category/sub-category information is provided by the service as part of the programming information) (see col. 5, lines 30-32; col. 7, lines 31-33).

Regarding claim 17, White teaches a method for managing television program listing comprising the steps of: storing a database of available television program listings comprising a plurality of program/event entries (RAM 51 stores EPG data including guide data, channel data and program data – see col. 5, lines 6-10 and 30-32); displaying a user configuration screen having a plurality of program/event sources (categories such as movies, news, sports, specials...as shown in figure 12), a first program filter (a first sub-category, for instance, CHILDREN sub-category) comprising a first predetermined list of program/event entries (for instance, 1405) and a second program filter (a second sub-category, for instance, EDUCATION sub-category) comprising a second predetermined list of program/event entries (the predetermined list of television programs 1405 of sub-category EDUCATION may be displayed same format as the list of television programs of sub-category CHILDREN); selecting at least one of the plurality of program/event sources (selecting one of the categories such as movies, news, sports...- see figure 12), the first program filter and the second program filter from the user configuration screen (selecting sub-categories – see figure 13); filtering programs of the at least one of the plurality of program/event sources utilizing the first/second program filter to produce a first/second subset of programs by comparing the first predetermined list of program/event entries against the programs in the at least one of the plurality of program/event

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sources (once the user has selected the categories, the system finds those programs that are defined in that category, then a sub-category screen is displayed to enable the user to further define the programs the user is interested in. It is noted that using the "filter" comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-category or "subset"); and generating an electronic program guide displaying television program listings included in said first subset and said second subset (for instance, the selected "first subset" or sub-category "CHILDREN" with a check mark, and the selected "second subset" or sub-category "EDUCATION" with a check mark are shown in figure 13. EPG includes all of the television programs included in these selected sub-categories as shown in figure 14) wherein at least some of the programs of the first subset are different from the programs of the second subset, and wherein at least some of the programs of the second subset are different from the programs of the first subset (for instance, some of the programs in the "first subset" or first sub-category "children" are different from the programs of the "education", and some of the programs of the second sub-category "education" are different from the programs of the first sub-category "children").

Regarding claim 18, White shows program guide displays television program listings including programs included in said first subset and programs included in said second subset (1405, see figure 13).

Claim 19 requires the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

As to claims **24-26**, White teaches the feature of selection of one or all the sub-categories with the check mark. The user can select all or some of the sub-categories (see figure 13).

As to claim **30**, the first and second lists of program/event entries are not provided with the television program listings. For instance, the list of sub-categories is not provided with the television program listings as shown in figure 13.

Regarding claim **32**, White teaches a method for managing television program listings comprising: storing available television program listings in one or more databases (RAM 51 stores EPG data including guide data, channel data and program data – see figures 3 and 6; col. 5, lines 6-10 and 30-32), receiving a first filter comprising a list of identifications of program/event entries (e.g., first filter CHILDREN comprises a list of television programs 1405 –see figure 14); selecting a first subset of the plurality of program/event entries using the first filter (using one of the sub-categories such as CHILDREN, COMEDY, DRAMA ...etc, for instance, using sub-category Children of the plurality of television programs to select a first subset 1405 - see figures 13-14); generating an electronic program guide including the first subset of program/events entries (EPG as shown in figure 14 including the subset of television programs of CHILDREN sub-category); and displaying the generated electronic program guide on a display (see figure 14).

Regarding claim **33**, White teaches comparing the list of identifications of program/event entries against the plurality of program/event entries (it is noted that using the “filter” comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-category or “subset”.

Regarding claim **34**, White discloses selecting a second subset of the plurality of programs/event entries using a second filter (for instance, using EDUCATION sub-category or

"filter" to select a subset of the plurality of television programs about education); generating the electronic program guide using the first filter and the second filter, the electronic program guide including all of the program/event entries included in the first subset and all of the program/event entries included in the second subset (as shown in figure 13, if the user selects "a first filter" or sub-category "CHILDREN" with a check mark, and select "a second filter" or sub-category "EDUCATION" with a check mark to generate the EPG including all of the television programs included in these selected sub-categories).

Regarding claim 35, White teaches selecting a second subset "EDUCATION" using a "second filter", wherein at least some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or at least some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Regarding claim 36, White teaches a method for managing television program listings comprising: storing available television program listings in one or more databases (RAM 51 stores EPG data including guide data, channel data and program data – see figures 3 and 6; col. 5, lines 6-10 and 30-32); selecting a first subset of the plurality of program/event entries using the first filter comprising a list of identifications of program/event entries, wherein the first filter is not derived from the program listings (using one of the sub-categories such as CHILDREN, COMEDY, DRAMA ...etc, for instance, using sub-category Children of the plurality of television programs to select a first subset 1405 - see figures 13-14. It is noted that the filter Children comprises a list of identifications of programs for only Children sub-category); generating an electronic program guide including the first subset of program/events entries (EPG as shown in figure 14 including the subset of television programs of CHILDREN

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sub-category); and displaying the generated electronic program guide on a display (see figure 14).

Regarding claim 37, White teaches comparing the list of identifications of program/event entries against the plurality of program/event entries (it is noted that using the "filter" comprising the predetermined list that are compared against the program listings to sort television programs into a particular sub-category or "subset".

Regarding claim 38, White discloses selecting a second subset of the plurality of programs/event entries using a second filter (for instance, using EDUCATION sub-category or "filter" to select a subset of the plurality of television programs about education); generating the electronic program guide using the first filter and the second filter, the electronic program guide including all of the program/event entries included in the first subset and all of the program/event entries included in the second subset (as shown in figure 13, if the user selects "a first filter" or sub-category "CHILDREN" with a check mark, and select "a second filter" or sub-category "EDUCATION" with a check mark to generate the EPG including all of the television programs included in these selected sub-categories).

Regarding claim 39, White teaches selecting a second subset "EDUCATION" using a "second filter", wherein at least some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or at least some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

June 14, 2004